

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TERRANCE GLENN  
CHAVREST,

Plaintiff,

v.

WELL PATH MEDICAL et al.,  
Defendants.

Case No. 23-11513  
Honorable Shalina D. Kumar  
Magistrate Judge Elizabeth A. Stafford

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**ORDER OVERRULING PLAINTIFF'S OBJECTIONS (ECF NO. 24) AND  
AFFIRMING ORDER DENYING MOTION TO APPOINT COUNSEL (ECF  
NO. 22)**

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Plaintiff Terrance Glenn Chavrest asserts an Eighth Amendment deliberate indifference claim against defendant medical personnel for failure to treat his ingrown toenails. ECF No. 1. After this matter was referred to the assigned magistrate judge for all pretrial proceedings, ECF No. 16, Chavrest requested appointment of counsel. ECF No. 21. The magistrate judge denied the request. ECF No. 22. Chavrest then filed an objection challenging that order, which is now before the Court. ECF No. 24.

A district court reviews a magistrate judge's order on non-dispositive matters for clear error. Fed. R. Civ. P. 72(a). Chavrest's objection does not

challenge the order as erroneous; it merely urges the Court to reconsider his request to appoint counsel. ECF No. 24. The Court, however, finds no clear error of law in the magistrate judge's order.

As the magistrate judge pointed out, “[c]ourts seldom appoint counsel in a civil case absent a showing of ‘exceptional circumstances.’” ECF No. 22., PageID.166 (quoting *Lavado v. Keohane*, 992 F.2d 601, 606 (6th Cir. 1993)). To determine whether “exceptional circumstances” exist, the Court considers the nature of the case, the party’s ability to represent himself, the complexity of the case, and whether the claims being presented are frivolous or have a small likelihood of success. *Id.* Because courts consider the party’s likelihood of success, “[a]ppointment of counsel is almost always denied prior to the exhaustion of dispositive motions.” *Dixon v. Kraft*, 2017 WL 11490775, at \*1 (E.D. Mich. Mar. 14, 2017), *objections overruled*, 2017 WL 11490776 (E.D. Mich. May 5, 2017).

The magistrate judge determined that Chavrest’s claim, not yet tested by a dispositive motion, is straightforward and that he is competent to proceed pro se. ECF No. 22. Thus, the magistrate judge did not err when she denied Chavrest’s motion. The Court therefore overrules Chavrest’s

objection (ECF No. 24) and affirms the magistrate judge's order (ECF No. 22).

Accordingly,

**IT IS ORDERED** that Chavrest's objection (ECF No. 24) is **OVERRULED** and the magistrate judge's Order Denying Motion to Appoint Counsel (ECF No. 22) is **AFFIRMED**.

Dated: October 23, 2023

/s Shalina D. Kumar  
SHALINA D. KUMAR  
United States District Judge